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EXAMINER

YANG, RYAN R

ART UNIT PAPER NUMBER

2672

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/684,595

Applicant(s)

HAEBERLI, PAUL

Examiner

Ryan R. Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This action is responsive to communications: Response, filed on 3/23/2005.

This action is non-final.

2. Claims 1-21 are pending in this application. Claims 1, 12, 16 and 17 are independent claims.

3. The present title of the invention is "Previewing a framed image print" as filed originally.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-9, 11-15, 17-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oles (6,047,130) in view of Kato et al. (5,369,736), and further in view Dawson et al. (5,179,638).

As per claim 1, Oles discloses a method of generating a frame prototype image showing a picture image framed within a frame, the method comprising:

providing a frame image showing the frame in a perspective view, the frame image having a picture portion corresponding to the portion of the frame used to view a picture mounted in the frame (Figure 4 26); and

mapping the picture image to the picture portion of the frame image in order to generate the frame prototype image (Figure 3 24 to Figure 4 24).

Oles discloses a method of generating a frame prototype image. It is noted that Oles does not explicitly disclose "modifying a texture value at a pixel by the original pixel

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value of the picture image to generate the frame prototype image", however, this is known in the art as taught by Kato et al. hereinafter Kato. Kato discloses the frame prototype image is generated from the original picture (the design simulation is carried out by photographing or taking the picture of the interior of the automobile and then modifying the texture of a seat part in the photographed picture image, column 2, line 43-46).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kato into Oles because Oles discloses a method of generating a frame prototype image and Kato discloses a frame prototype image can be modified in order to assist design simulation.

Oles and Kato disclose a method of generating a frame prototype image. It is noted that Oles and Kato do not explicitly disclose using texture mapping the picture image of the frame image to generate the frame prototype image, however, this is known in the art as taught by Dawson et al., hereinafter Dawson. Dawson discloses a method of providing a texture mapped perspective view for digital map systems (column 2, line 61-62, since the digital map is a prototype image).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dawson into Oles and Kato because Oles and Kato disclose a method of generating a prototype image and Dawson discloses the image texture can be texture mapped in perspective in order to enhance visual reality (column 1, line 50).

6. As per claim 2, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected independent claim 1, supra, and Oles further discloses identifying a picture portion of the frame image (Figure 3 24).

7. As per claim 3, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected dependent claim 2, supra, and Oles further discloses identifying the picture portion of the frame image includes providing a mat identifying the picture portion of the frame image (Figure 3 24).

8. As per claim 4, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected dependent claim 3, supra, and Oles further discloses the mat includes a plurality of pixels, each pixel having a pixel value (since the display device is a computer display, it is inherent that the image is represented by a plurality of pixels).

9. As per claim 5, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected dependent claim 4, supra, and Oles further discloses wherein identifying the picture portion of the frame image includes setting each pixel in the mat that corresponds to the picture portion of the frame image to a first pixel value (since pixels values are used to represent a picture, the pixels are at certain values at any time).

10. As per claim 6, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected dependent claim 2, supra, and Oles further discloses wherein identifying the picture portion of the frame image includes identifying the outer perimeter of the picture portion of the frame image (Figure 2 when a picture is selected, its picture and frame are identified).

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11. As per claim 7, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected independent claim 1, supra, and Oles further discloses wherein the picture portion of the frame image has a quadrilateral shape and the method further includes identifying the picture portion of the frame image including identifying the four comers of the picture portion (Figure 2 shows the picture is quadrilateral shape and since the picture is movable, its four corners are indentified).

12. As per claim 8, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected independent claim 1, supra, and Oles further discloses displaying the frame prototype image (Figure 4 26).

13. As per claim 9, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected independent claim 1, supra.

Oles and Dawson disclose a method of generating a in perspective frame prototype image, it is noted that Oles and Dawson do not explicitly disclose "mapping the picture image to the picture portion of the frame image includes texture mapping the picture image to the picture portion of the frame image", however, Since both the frame image texture and picture image texture are both image texture, it would have been obvious to one of ordinary skill in the art to map frame prototype image texture to perspective frame prototype image texture and picture prototype image texture to perspective picture image texture in order to perform proper transformation.

14. As per claim 11, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected independent claim 1, supra, and Oles further discloses the frame

image is captured using a digital camera (Figure 1 50 the CCD connected to 54 the computer).

15. As per claim 12, Oles discloses a computer program product tangibly embodied in a computer-readable medium, for generating a frame prototype image showing a picture image framed within a frame, comprising instructions operable to cause a computer to:

receive the picture image (Figure 1 50 to 54);

store a frame image showing the frame in a perspective view and a mat identifying the picture portion of the frame image (Figure 4 26; since Figure 1 54 is a computer, it can store image); and

map the picture image to the picture portion of the frame image in order to generate the frame prototype image (Figure 4 26 to Figure 5 26).

Oles discloses a method of generating a frame prototype image. It is noted that Oles does not explicitly disclose "modifying a texture value at a pixel by the original pixel value of the picture image to generate the frame prototype image", however, this is known in the art as taught by Kato et al. hereinafter Kato. Kato discloses the frame prototype image is generated from the original picture (the design simulation is carried out by photographing or taking the picture of the interior of the automobile and then modifying the texture of a seat part in the photographed picture image, column 2, line 43-46).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kato into Oles because Oles

discloses a method of generating a frame prototype image and Kato discloses a frame prototype image can be modified in order to assist design simulation.

Oles and Kato disclose a method of generating a frame prototype image. It is noted that Oles and Kato do not explicitly disclose using texture mapping the picture image of the frame image to generate the frame prototype image, however, this is known in the art as taught by Dawson. Dawson discloses a method of providing a texture mapped perspective view for digital map systems (column 2, line 61-62, since the digital map is a prototype image).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dawson into Oles and Kato because Oles and Kato disclose a method of generating a prototype image and Dawson discloses the image texture can be texture mapped in perspective in order to enhance visual reality (column 1, line 50).

16. As per claim 13, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected independent claim 12, supra, and Oles further discloses instructions operable to cause the computer to generate the map (Figure 4 26 to Figure 5 26; since Figure 1 54 is a computer, it can contain instructions to generate the map).

17. As per claim 14, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected dependent claim 13, supra, and Oles further discloses instructions operable to cause the computer to generate the map by identifying the picture portion of the frame image (Figure 4 24).

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18. As per claim 15, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected dependent claim 12, supra, and Oles further discloses instructions operable to cause the computer to identify the picture portion of the frame image by identifying the outer perimeter of the picture portion of the frame image (Figure 2 when a picture is selected, its picture and frame are identified).

19. As per claim 17, Oles discloses a method of generating a visual representation of an image based product, the method comprising:

providing an image to be included in the image based product (Figure 4);

providing a perspective image showing the image based product in a perspective view, the perspective image having a picture portion corresponding to the portion of the image based product used to view a picture mounted on the image based product (Figure 4 26 to Figure 5 26); and

mapping the image to the picture portion of the perspective image in order to generate the perspective prototype image (Figure 4 24 to Figure 5 24).

Oles discloses a method of generating a frame prototype image. It is noted that Oles does not explicitly disclose "modifying a texture value at a pixel by the original pixel value of the picture image to generate the frame prototype image", however, this is known in the art as taught by Kato. Kato discloses the frame prototype image is generated from the original picture (the design simulation is carried out by photographing or taking the picture of the interior of the automobile and then modifying the texture of a seat part in the photographed picture image, column 2, line 43-46).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kato into Oles because Oles discloses a method of generating a frame prototype image and Kato discloses a frame prototype image can be modified in order to assist design simulation.

Oles and Kato disclose a method of generating a frame prototype image. It is noted that Oles and Kato do not explicitly disclose using texture mapping the picture image of the frame image to generate the frame prototype image, however, this is known in the art as taught by Dawson. Dawson discloses a method of providing a texture mapped perspective view for digital map systems (column 2, line 61-62, since the digital map is a prototype image).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dawson into Oles and Kato because Oles and Kato disclose a method of generating a prototype image and Dawson discloses the image texture can be texture mapped in perspective in order to enhance visual reality (column 1, line 50).

20. As per claim 18, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected independent claim 17, supra, and Oles further discloses the image based product is a framed picture (Figure 4 24).

21. As per claim 19, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected independent claim 17, supra, and Oles further discloses the image based product is a Photocard (since the image is a photo image).

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22. As per claim 21, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected dependent claim 20, supra, and Oles further discloses the method includes displaying the perspective image in an environment that provides a context for viewing the image based product (Figure 4).

23. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles (6,047,130), Kato and Dawson as applied to claim 1 above, and further in view of Kurashige (5,282,262).

As per claim 10, Oles, Kato and Dawson demonstrated all the elements as applied to the rejected independent claim 1, supra.

Oles, Kato and Dawson disclose a system of generating a frame prototype image. It is noted that Oles, Kato and Dawson do not explicitly disclose "mapping the picture image to the picture portion of the frame image includes mapping the picture image to the picture portion of the frame image using the illumination of the picture portion of the frame image", however, this is known in the art as taught by Kurashige. Kurashige discloses a method of transforming a two-dimensional image by illumination on a three-surface (Figure 4A-4B).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kurashige into Oles, Kato and Dawson because Oles, Kato and Dawson disclose a system of generating a frame prototype image and Kurashige discloses mapping an image into an illuminated region in order to make the image more realistic.

24. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oberg (5,870,771) in view of Oles (6,047,130), and further in view of Dawson et al. (5,179,638).

As per claim 16, Oberg discloses a system for generating a frame prototype image showing a picture image framed within a frame, the system comprising:

- a client computer in communication with a computer network (Figure 3 70);
- a server, in communication with a computer network, having server software embodied in a computer-readable medium, the server software comprising instructions operable to cause the server to:

- receive the picture image from the client computer (Figure 3 72);

- wherein the client computer includes client software embodied in a computer readable medium, the client software comprising instructions operable to cause the client computer to upload the picture image to the server ("a customer can input a digital image of an object to be framed to the system through a digital camera 32", column 5, line 64-66. Thus, it is inherent that the digital camera has the desired software to upload the picture image to the server).

Oberg discloses a system of generating a frame prototype image. It is noted that Oberg does not explicitly disclose "store a frame image showing the frame in a perspective view and a mat identifying the picture portion of the frame image; and map the picture image to the picture portion of the frame image in order to generate the frame prototype image", however, this is known in the art as taught by Oles. Oles discloses a computer to generating a portrait photograph in which a frame and the

picture in it are transformed into perspective view (Figure 4 24 and 26 to Figure 5 24 and 26).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oles into Oberg because Oberg discloses a system of generating a frame prototype image and Oles discloses a method of putting the picture in perspective in order to visually determine the appropriate size of a portrait photograph (column 2, line 4).

Oberg and Oles disclose a method of generating a frame prototype image. It is further noted that Oberg and Oles do not explicitly disclose using texture mapping to map the picture image, however, this is known in the art as taught by Dawson. Dawson discloses a method of providing a texture mapped perspective view for digital map systems, column 2, line 61-62.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dawson into Oberg and Oles because Oberg and Oles discloses a method of generating a prototype image and Dawson discloses the image can be texture mapped in perspective in order to enhance visual reality (column 1, line 50).

25. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles, Kato and Dawson et al. as applied to claim 17 above, and further in view of Oberg.

Oles, Kato and Dawson disclose a computer to generating a frame prototype image in perspective. It is noted that Oles, Kato and Dawson do not explicitly disclose the image based product is a photo greeting card, however, this is known in the art as

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taught by Oberg. Oberg discloses a system to generating a portrait photograph which is a photo greeting card.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles, Kato and Dawson because Oles, Kato and Dawson disclose a system of generating an image in perspective and Oberg discloses the image can be made into a portrait photograph in order to make immediate use (column 2, line 4).

Claim Rejections - 35 USC § 112

26. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification teaches the illumination of the white piece of paper is used to illuminate the texture -mapped picture image, however, the specification does not explain how this is done.

27. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 recites the limitation "mapping the picture image to the picture portion of the frame image using the illumination of the picture portion of the frame image" in line 2-3. There is insufficient antecedent basis for this limitation in the claim.

Response to Arguments

28. Applicant's arguments filed 5/6/2005 have been fully considered but they are not persuasive.

As per claims 1-16, applicant alleges Kato and Dawson fail to show the specifics of "modifying a texture value at a pixel by the original pixel value of the picture image to generate the frame prototype image". In reply, the examiner considers by mapping a texture picture onto the surface of an object the object is modified. Since a framed prototype image is nothing more than an image within another image separated by a boundary, there is no reason that the backseat (considered as an object) shown in Figure 6C, cannot be considered as a frame prototype image.

Applicant also alleges Oles only use "size perspective" for video image, therefore, Oles does not meet claims 1, 12, 16 and 17 "perspective" limitations. In reply, examiner notes that since applicant admits "size perspective" is a form of perspective, it meets the claim limitation. Applicant also alleges examiner using the disclosure "The present invention as depicted in Fig. 5 allows the customer or operator to change the perspective of the video image (and the size of the resulting portrait) as well as move and position the combined image within the simulated room setting image" (column 5,

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line 30-35) to imply including an angle view in a perspective view as a hindsight argument. In reply, examiner considers the definition in Merriam-Webster online:

Main Entry: ²**perspective**

Function: *noun*

Etymology: Middle French, probably modification of Old Italian *prospettiva*, from *prospetto* view, prospect, from Latin *prospectus* -- more at PROSPECT

1 a : the technique or process of representing on a plane or curved surface the spatial relation of objects as they might appear to the eye; *specifically* : representation in a drawing or painting of parallel lines as converging in order to give the illusion of depth and distance **b** : a picture in perspective

2 a : the interrelation in which a subject or its parts are mentally viewed <places the issues in proper *perspective*>; *also* : POINT OF VIEW **b** : the capacity to view things in their true relations or relative importance <urge you to maintain your *perspective* and to view your own task in a larger framework -- W. J. Cohen>

3 a : a visible scene; *especially* : one giving a distinctive impression of distance : VISTA

b : a mental view or prospect <to gain a broader *perspective* on the international scene -- *Current Biography*>

4 : the appearance to the eye of objects in respect to their relative distance and positions

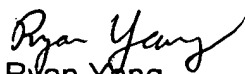
As shown in definition 1a, a perspective view includes viewing parallel lines as converging lines clearly means more than a frontal view.

Inquiries

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan R Yang whose telephone number is (571) 272-7666. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ryan Yang
July 24, 2005